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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 MICHAEL MCGINNIS and CYNDY
12 BOULTON, individually and on behalf
of all others similarly situated,

13 Plaintiffs,

14 v.

15 COMMUNITY.COM, INC.,

16 Defendant.
17

Case No. 2:23-cv-02426-SB-JPR

**ORDER RE: (1) COURT'S
PRIOR ORDER DISMISSING
CERTAIN CLAIMS; AND
(2) RESUBMISSION OF
COMMUNITY.COM'S FULLY
BRIEFED MOTION TO DISMISS**

18 The Court, having considered the Joint Stipulation that Court's Prior Order
19 Dismissing Certain Claims Applies to First Amended Complaint and to Resubmit
20 Community.com's Fully Briefed Motion to Dismiss:

21 IT IS HEREBY ORDERED that:

- 22 1. The Court's Order Granting Stipulation to Dismiss Claims Based on
23 Dismissal in Prior Related Action applies to Plaintiff's First Amended
24 Complaint. The Causes of Action for Violations of CIPA, California Penal
25 Code § 631, and for Violations of ECPA, 18 U.S.C. § 2511(1)(a), in the
26 First Amended Complaint, are dismissed without leave to amend on the
27 same terms and for the reasons stated in the Court's Order Granting
28 Stipulation to Dismiss Claims Based on Dismissal in Prior Related Action

1 (ECF No. 36);

2 2. Community's Motion to Dismiss and the Parties' briefing on that Motion
3 (ECF Nos. 32, 44, 47) shall be deemed resubmitted and shall be treated as
4 a fully briefed motion to dismiss the First Amended Complaint; and

5 3. Community's Motion to Dismiss the remaining claims in the First
6 Amended Complaint will be heard on September 15, 2023, at 8:30 a.m.

7 IT IS SO ORDERED.
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10 Dated: August 28, 2023



11 Stanley Blumenfeld, Jr.
12 United States District Judge
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